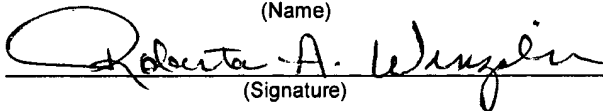


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Roberta A. Winzeler

(Name)



(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|-------------------------------|
| In re Application of: |) | Examiner: Thor S. Campbell |
| Peter F. Gerhardinger |) | |
| |) | |
| Serial No: 10/695,702 |) | Art Unit: 3742 |
| Filed: October 29, 2003 |) | |
| |) | |
| Patent No. 6,868,230 |) | |
| Issued: March 15, 2005 |) | |
| |) | Attorney Docket No. : 1-15692 |
| For: VACUUM INSULATED QUARTZ |) | |
| TUBE HEATER ASSEMBLY |) | |

August 19, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

08/23/2005 SLUANG1 00000042 10695702

01 FC:1461

250.00 **NOTIFICATION OF ESTABLISHMENT OF
SMALL ENTITY STATUS BY ERROR,
PURSUANT TO 37 CFR §1.28(c)**

Honorable Sir:

The above-captioned application is a utility application claiming the benefit of provisional application 60/426,779 filed November 15, 2002.

On November 15, 2002, a small entity statement was filed in provisional application Serial No. 60/426,779, in good faith. A small entity statement was also submitted in good faith in the subsequent utility application Serial No. 10/695,702.

08/23/2005 SLUANG1 00000001 10695702

01 FC:1001
02 FC:1202

790.00 OP
500.00 OP

08/23/2005 SLUANG2 00000002 10695702

01 FC:1501

1400.00 OP

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Applicants' undersigned counsel has now discovered and determined that such status as a small entity may have been established in error. Accordingly, such status is hereby withdrawn.

Upon reviewing the file history, the following deficient fee payments have been noted in this application, Serial No. 10/695,702:

- 1) Fee of \$80 for filing provisional application paid on November 15, 2002.
Current fee for same calculated to be \$200. Amount of deficiency equals \$120.

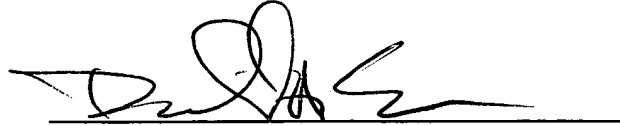
Further, the following deficient fee payments have been noted in the utility application, Serial No. 10/695,702:

- 1) Fee of \$555 for filing of utility application paid on October 29, 2003.
Current fee for same calculated to be \$1,500. Amount of deficiency equals \$945.
- 2) Fee of \$700 for Issue Fee paid on December 13, 2004. Current fee for same calculated to be \$1,400. Amount of deficiency equals \$700.

A check in the amount of \$1,765 is attached to cover the total amount of the deficiencies between the amount of the fees paid and the amount due under the current United States Patent and Trademark Office fee schedule. Although there has been a good faith effort to identify each and every deficient fee paid and the amount of such deficiency, please charge any additional fees or further deficiency in any fee paid (or credit any overpayment) to Deposit Account No. 13-1816.

A duplicate of this paper is attached.

Respectfully submitted.



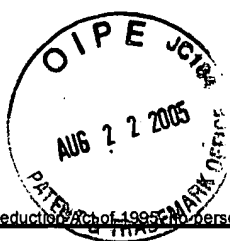
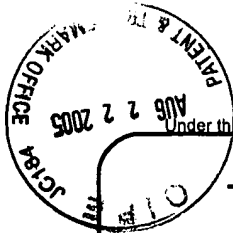
Donald A. Schurr
Registration No. 34,247
Attorney of Record

ATTORNEYS

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419-249-7145
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schurr@marshall-melhorn.com

Adjustment date: 08/23/2005 SLUANG1
10/31/2003 AOSMAN1 00000005 10695702
01 FC:2001 -385.00 OP
02 FC:2202 -90.00 OP

Adjustment date: 08/23/2005 SLUANG2
12/16/2004 MBERNE1 00000093 10695702
01 FC:2501 -700.00 OP



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/695,702

Filing Date

October 29, 2003

First Named Inventor

Peter F. Gerhardinger

Art Unit

3742

Examiner Name

Thor S. Campbell

Attorney Docket Number

1-15692

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation
Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD



Remarks

Notification of Establishment of Small Entity Status by Error
Check in the amount of \$1,765



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

Return Postcard

Duplicate Copy of
Notification

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MARSHALL & MELHORN, LLC.

Signature

Printed name

Donald A. Schurr

Date

8-19-05

Reg. No.

34,247

CERTIFICATE OF TRANSMISSION/MAILING

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Signature

Typed or printed name

Roberta A. Winzeler

Date

8/19/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 22 2003
PATENT & TRADEMARK OFFICE

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$1,765

Complete if Known

Application Number 10/695,702
Filing Date October 29, 2003
First Named Inventor Peter F. Gerhardinger
Examiner Name Thor S. Campbell
Art Unit 3742
Attorney Docket No. 1-15692

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 13-1816 Deposit Account Name: MARSHALL & MELHORN, LLC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims Fee (\$) Fee Paid (\$)

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)

Other (e.g., late filing surcharge): Notification of Establishment of Small Entity Status by Error \$1,765

SUBMITTED BY

Signature [Signature] Registration No. 34,247 Telephone 419-249-7145
Name (Print/Type) Donald A. Schurr Date 8-19-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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